

**Talking Points – PL 84-99 Program
10/25/12**

Background

- S.J. County was informed by the Corps of Engineers in April of this year that deficiencies existed in some of our levee systems.
- We understood that from discussions with the Corps at that time that as long as we submitted a plan within 90 days on how we intended to correct the most severe deficiencies, we would remain eligible in the PL 84-99 program.
- This program provides funding to local agencies for the repair of levees following a flood event.
- We submitted our plan within 90 days, and continued work on correcting the deficiencies.
- However, in August of this year, we were informed that we would be losing PL 84-99 funding eligibility on 11 of our levee systems even though we complied with the Corps' requirements.
- We were told that we had lost this not because of anything we had done or had failed to do, but rather because the State failed to adequately address certain maintenance issues (e.g. vegetation removal and illegal encroachments) in the recently Central Valley Flood Management Plan.
- We have continued working to correct our deficiencies, and have been successful at correcting those in the most severe category for seven of the 11 systems.
- We recently requested reinstatement of PL 84-99 funding eligibility for those seven systems from the Corps, and are awaiting a response.

- We continue to work on correcting the deficiencies for the remaining four systems, and are confident we will be able to accomplish this in the near future.
- However, we understand that if we are reinstated in the program, it will only be temporary. We will lose funding eligibility again in two years unless we are able to correct the remaining less severe deficiencies identified by the Corps. For San Joaquin County, this consists of hundreds of items, many of which are either outside our control, such as illegal encroachments which are the responsibility of the State to enforce, and vegetation removal, which is not feasible to achieve under the new Corps vegetation policy.
- This process of falling out of eligibility and then working to get back in to just fall out again at some later date is not only frustrating for us, but it also unnecessarily exposes the public at greater risk by not having adequate funding available to agencies such as San Joaquin County to repair levees.
- We feel as though we have been put in a position of “chasing our tail” on this issue because the State and the Federal Government seem unable to come to agreement on what to include in the State’s flood management plan.
- Although the Corps has proposed an approach that would allow us to get back into the PL 84-99 program (preparing a SWIF – Systemwide Improvement Framework), this is a very new process that requires local agencies to commit to things that they ultimately may not be able to achieve, such as vegetation removal.
- Also, we believe that the State and the Corps need to work together, as they did prior to the adoption of the State’s flood management plan, on an approach that will allow agencies to remain eligible in this program.

- If such an approach is not developed, it is highly likely that many agencies that maintain levees will not be able to remain in the PL 84-99 program, resulting in the public being subjected to potential greater risk from flood damaged levees.
- It is our hope that the State and the Federal governments will work in cooperation to find a solution to this problem in the interest of public safety, as well as to ensure the economic sustainability of our local communities.